

**ASSEMBLY BILL**

**No. 2169**

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**Introduced by Assembly Member Chesbro**

February 23, 2012

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An act to amend Section 15853 of the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2169, as introduced, Chesbro. Property Acquisition Law: State Public Works Board.

The California Forest Legacy Program Act of 2007 establishes the California a Forest Legacy Program to conserve private forests lands and authorizes the Department of Forestry and Fire Protection to acquire conservation easements of eligible properties according to criteria contained in the act. The existing Property Acquisition Law requires that all real property and interests in real property to be acquired by or for any state agency, with specified exceptions that do not include the department, be acquired by the State Public Works Board.

This bill would exclude from the above requirement any land acquisition made pursuant to the California Forest Legacy Program Act of 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 15853 of the Government Code is  
2     amended to read:

1     15853. (a) The board may select and acquire, in the name of  
2 and on behalf of the state, with the consent of the state agency  
3 concerned, the fee or any lesser right or interest in any real property  
4 necessary for any state purpose or function.

5     (b) If moneys are appropriated by the Budget Act for any fiscal  
6 year or by any other act for the acquisition of land or other real  
7 property, either (1) subject to this part or (2) for any state agency  
8 for whom property is acquired by the board, the moneys and  
9 acquisitions are subject to this part and the moneys shall be  
10 expended in accordance with this part, notwithstanding any other  
11 provisions of law.

12     (c) Notwithstanding any other ~~provisions of~~ law, all land and  
13 other real property to be acquired by or for any state agency, other  
14 than the Department of Transportation, the Department of Water  
15 Resources, the State Reclamation Board, the Department of Fish  
16 and Game, the Wildlife Conservation Board, the Public Employees'  
17 Retirement System, the State Teachers' Retirement System, the  
18 Department of Housing and Community Development, the State  
19 Lands Commission, except for property to be acquired for the State  
20 Lands Commission pursuant to an appropriation from the General  
21 Fund, and the State Coastal Conservancy with respect to acceptance  
22 of offers to dedicate public accessways made pursuant to Division  
23 20 (commencing with Section 30000) of the Public Resources  
24 Code, shall be acquired by the State Public Works Board in  
25 accordance with this part.

26     (d) (1) Notwithstanding subdivision (a), the board shall acquire,  
27 on behalf of and for the Department of Parks and Recreation, in  
28 accordance with this part, any interests in real property, including  
29 options to purchase, which have been appraised, selected, and  
30 settled through purchase negotiations by the Department of Parks  
31 and Recreation pursuant to subdivision (b) of Section 5006 of the  
32 Public Resources Code. Out of moneys appropriated for the  
33 acquisition of options to purchase, no more than ten thousand  
34 dollars (\$10,000) may be expended for the acquisition of any single  
35 option unless otherwise provided by the Legislature.

36     (2) Notwithstanding Section 15854, purchase negotiations for  
37 interests in real property for the state park system pursuant to  
38 subdivision (d) of Section 5006 of the Public Resources Code shall  
39 be initiated within six months of the effective date of the act that  
40 appropriates funds for the acquisition. Purchase negotiations on

1 all projects not proposed pursuant to subdivision (d) of Section  
2 5006 of the Public Resources Code shall be initiated within 12  
3 months of the effective date of the act appropriating funds for the  
4 acquisition. Either title shall be conveyed or a written agreement  
5 to transfer title shall be executed within the appropriate  
6 authorization period unless the Department of Parks and Recreation  
7 formally abandons the acquisition prior to the conclusion of the  
8 appropriate authorization period. For the purposes of this section,  
9 in order for the Department of Parks and Recreation to “formally  
10 abandon” an acquisition, it shall transmit written notification to  
11 the board of its intent not to proceed with the acquisition.

12 (3) The board, at any time during the periods specified in  
13 paragraph (2), may commence condemnation proceedings if it  
14 finds it to be appropriate. However, if, during the appropriate  
15 authorization period, title is not conveyed or a written agreement  
16 to transfer title is not signed, the acquisition has not been formally  
17 abandoned, or condemnation proceedings have not been  
18 commenced, the Department of Parks and Recreation shall notify,  
19 by letter, the chair of the committee in each house of the  
20 Legislature that considers appropriations, the Chair of the Joint  
21 Legislative Budget Committee, and the Members of the Legislature  
22 within whose district any part of the land or other real property is  
23 located of the status of the acquisition. For the purpose of this  
24 paragraph, condemnation proceedings shall be deemed to be  
25 commenced as of the date the board authorizes acquisition by  
26 condemnation.

27 (4) The board may schedule special meetings as are necessary  
28 to expedite the acquisition of options to purchase real property for  
29 the state park system.

30 (e) The board may acquire furnishings that the owner thereof  
31 agrees to sell and that are contained within improvements acquired  
32 by the board. Cost of acquisition of furnishings shall be charged  
33 to the appropriation available for acquisition of the real property.

34 (f) *This section shall not apply to any land acquisition made*  
35 *pursuant to the California Forest Legacy Program Act of 2007*  
36 *(Division 10.5 (commencing with Section 12200) of the Public*  
37 *Resources Code).*

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